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MINISTRY OF LAW
(Legislative Department)

New Delhi, the 21st December, 1964/Agrahayana 30, 1886 (Saka)

The following Acts of Parliament received the assent of the President on the 20th December, 1964, and are hereby published for general information:—

THE KERALA APPROPRIATION ACT, 1964

No. 42 of 1964

[20th December, 1964]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1964-65.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Kerala Appropriation Act, 1964.
2. From and out of the Consolidated Fund of the State of Kerala there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty-five lakhs, sixty-four thousand and six hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65, in respect of the services specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Kerala by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Issue of
Rs. 35,64,600
from and
out of the
Consolidated
Fund of
the State
of Kerala
for the
financial
year 1964-65.

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
X	District Administration and Miscellaneous	100	..	100
XI	Administration of Justice	1,500	1,500
XIII	Police	100	..	100
XVI	University Education	200	..	200
XVII	General Education	2,00,200	12,400	2,12,600
XIX	Medical	100	..	100
XX	Public Health	5,00,100	..	5,00,100
XXV	Animal Husbandry	6,88,000	18,000	7,06,000
XXVII	Industries	5,00,000	1,200	5,01,200
XXIX	Labour and Employment	100	..	100
XXXI	Statistics and Miscellaneous	74,000	..	74,000
XXXIII	Public Works	100	..	100
XLIV	Capital Outlay on Agricultural Improvement	11,600	11,600
XLV	Capital Outlay on Co-operatives and on Industrial Development	12,50,100	8,100	12,58,200
XLVII	Capital Outlay on Public Works	5,200	..	5,200
XLVIII	Capital Outlay on Other Works	100	..	100

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
I.	Capital Outlay on Transport Schemes	43,300	43,300
LV	Loans and Advances by the Government	2,50,100	..	2,50,100
	TOTAL	34,68,500	96,100	35,64,600

THE SLUM AREAS (IMPROVEMENT AND CLEAR- ANCE) AMENDMENT ACT, 1964

No. 43 of 1964

[20th December, 1964]

An Act to amend the Slum Areas (Improvement and Clearance) Act, 1956.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Slum Areas (Improvement and Clearance) Amendment Act, 1964.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Slum Areas (Improvement and Clearance) Act, 1956 (hereinafter referred to as the principal Act),—

Amendment
of section 2.

(i) for clauses (e) and (f), the following clauses shall be substituted, namely:—

‘(e) “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(f) “occupier” includes—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;';

(ii) after clause (i), the following clause shall be inserted, namely:—

'(j) "work of improvement" includes in relation to any building in a slum area the execution of any one or more of the following works, namely:—

(i) necessary repairs;

(ii) structural alterations;

(iii) provision of light points, water taps and bathing places;

(iv) construction of drains, open or covered;

(v) provision of latrines, including conversion of dry latrines into water-borne latrines;

(vi) provision of additional or improved fixtures or fittings;

(vii) opening up or paving of courtyards;

(viii) removal of rubbish; and

(ix) any other work including the demolition of any building or any part thereof which in the opinion of the competent authority is necessary for executing any of the works specified above.'

Amendment
of section 4.

3. In section 4 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, namely:—

"Provided that where the owner of the building is different from the owner of the land on which the building stands and the works of improvement required to be executed relate to provision of water taps, bathing places, construction of drains, open or covered, as the case may be, provision of water-borne latrines or removal of rubbish and such works are to be executed outside the building, the notice shall be served upon the owner of the land.";

(b) in sub-section (2), after the word "building", the words "or the land on which the building stands" shall be inserted.

4. In section 5 of the principal Act,—

Amendment
of section 5

(a) in sub-sections (1) and (2), after the words "owner of the building" wherever they occur, the words "or of the land on which the building stands, as the case may be," shall be inserted;

(b) sub-section (3) shall be omitted.

5. After section 6 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
6A.

"6A. (1) The competent authority may, by notification in the Official Gazette, direct that no person shall erect any building in a slum area except with the previous permission in writing of the competent authority.

Restriction
on building,
etc., in slum
areas.

(2) Every notification issued under sub-section (1) shall cease to have effect on the expiration of two years from the date thereof except as respects things done or omitted to be done before such cesser.

(3) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such information in respect of the erection of the building to which the application relates as may be prescribed.

(4) On receipt of such application, the competent authority, after making such inquiry as it considers necessary, shall, by order in writing,—

(a) either grant the permission subject to such terms and conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(5) Nothing contained in sub-section (1) shall apply to—

(a) any works of improvement required to be executed by a notice under sub-section (1) of section 4 or in pursuance of an undertaking given under sub-section (2) of section 7; or

(b) the erection of any building in any area in respect of which a slum clearance order has been made under section 10."

Amendment
of section
10.

6. In section 10 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) Subject to the provisions of this Act, where a slum clearance order has become operative, the owner of the land to which the order applies may re-develop the land in accordance with plans approved by the competent authority and subject to such restrictions and conditions (including a condition with regard to the time within which the re-development shall be completed), if any, as that authority may think fit to impose:

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land or by a subsequent refusal of the competent authority to cancel or modify any such restriction or condition may, within such time as may be prescribed, appeal to the Administrator and the Administrator shall make such order in the matter as he thinks proper and his decision shall be final.”.

Substitution
of new
section for
section 11.
Power of
competent
authority to
re-develop
clearance
area.

7. For section 11 of the principal Act, the following section shall be substituted, namely:—

“11. (1) Notwithstanding anything contained in sub-section (7) of section 10, the competent authority may at any time after the land has been cleared of the buildings in accordance with a slum clearance order but before the work of re-development of that land has been commenced by the owner, by order, determine to re-develop the land if that authority is satisfied that it is necessary in the public interest to do so.

(2) Where land has been cleared of the buildings in accordance with a slum clearance order, the competent authority, if it is satisfied that the land has been, or is being, re-developed by the owner thereof in contravention of plans approved by the authority or any restrictions or conditions imposed under sub-section (7) of section 10 or has not been re-developed within the time, if any, specified under such conditions, may, by order, determine to re-develop the land:

Provided that before passing such order, the owner shall be given a reasonable opportunity to show cause why the order should not be passed.”.

Amendment
of section
13.

8. To section 13 of the principal Act, the following proviso shall be added, namely:—

“Provided that where on any representation from the competent authority, the Central Government is satisfied that any such land or any portion thereof is unsuitable for the purposes

mentioned in this section, the Central Government may use the land or allow it to be used for such other public purpose or purposes as it may deem fit."

9. In section 15 of the principal Act, in sub-section (6),—

Amendment
of section
15.

(i) in the first proviso, for the words "in such proportion as he considers reasonable:", the words "in the same proportion as the market price of the land bears to the market price of the building on the date of the acquisition." shall be substituted;

(ii) the second proviso shall be omitted.

10. For section 19 of the principal Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 19.

"19. (1) Notwithstanding anything contained in any other law for the time being in force, no person shall, except with the previous permission in writing of the competent authority,—

Proceedings
for eviction
of tenants
not to be
taken with-
out permis-
sion of the
competent
authority.

(a) institute, after the commencement of the Slum Areas (improvement and Clearance) Amendment Act, 1964, any suit or proceeding for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area; or

(b) where any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of a tenant from any building or land in such area, execute such decree or order.

(2) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such particulars as may be prescribed.

(3) On receipt of such application, the competent authority, after giving an opportunity to the parties of being heard and after making such summary inquiry into the circumstances of the case as it thinks fit, shall by order in writing, either grant or refuse to grant such permission.

(4) In granting or refusing to grant the permission under sub-section (3), the competent authority shall take into account the following factors, namely:—

(a) whether alternative accommodation within the means of the tenant would be available to him if he were evicted;

(b) whether the eviction is in the interest of improvement and clearance of the slum areas;

(c) such other factors, if any, as may be prescribed.

(5) Where the competent authority refuses to grant the permission, it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant."

Substitution
of new
section for
section 20.
Appeals.

11. For section 20 of the principal Act, the following section shall be substituted, namely:—

"20. Any person aggrieved by an order of the competent authority refusing to grant the permission referred to in sub-section (1) of section 6A or referred to in sub-section (1) of section 19 may, within such time as may be prescribed, prefer an appeal to the Administrator and the Administrator may, after hearing the appellant, decide such appeal and his decision shall be final."

Insertion of
new sections
20A and 20B.

12. After section 20 of the principal Act, the following sections shall be inserted, namely:—

Restoration
of possession
of premises
vacated by a
tenant.

"20A. (1) Where a tenant in occupation of any building in a slum area vacates any building or is evicted therefrom on the ground that it was required for the purpose of executing any work of improvement or for the purpose of re-erection of the building, the tenant may, within such time as may be prescribed, file a declaration with the competent authority that he desires to be replaced in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be.

(2) On receipt of such declaration, the competent authority shall by order require the owner of the building to furnish to it, within such time as may be prescribed, the plans of the work of improvement or re-erection of the building and estimates of the cost thereof and such other particulars as may be necessary and shall, on the basis of such plans and estimates and particulars, if any, furnished and having regard to the provisions of sub-section (3) of section 20B and after holding such inquiry as it may think fit, provisionally determine the rent that would be payable by the tenant if he were to be replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1).

(3) The rent provisionally determined under sub-section (2) shall be communicated in the prescribed manner to the tenant and the owner.

(4) If the tenant after the receipt of such communication intimates in writing to the competent authority within such time as may be prescribed that when he is replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1), he would pay to the owner until the rent is finally determined under section 20B the rent provisionally determined under sub-section (2), the competent authority shall direct the owner to place the tenant in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be, and the owner shall be bound to comply with such direction.

20B. (1) Where any building in a slum area is let to a tenant after the execution of any work of improvement or after it has been re-erected, the rent of the building shall be determined in accordance with the provisions of this section.

Rent of
buildings
in slum
areas.

(2) Where any such building is let to a tenant other than a tenant who is placed in possession of the building in pursuance of a direction issued under sub-section (4) of section 20A, the tenant shall be liable to pay to the owner—

(a) if there is a general law relating to the control of rents in force in the area in which the building is situated and applicable to that building, the rent determined in accordance with the provisions of that law;

(b) if there is no such law in force in such area, such rent as may be agreed upon between the owner and the tenant.

(3) Where any such building is let to a tenant in pursuance of a direction issued under sub-section (4) of section 20A, the tenant shall, notwithstanding any law relating to the control of rents in force in the area, be liable to pay to the owner—

(a) if any work of improvement has been executed in relation to the building, an annual rent of a sum equivalent to the aggregate of the following amounts, namely:—

(i) the annual rent the tenant was paying immediately before he vacated the building for the purpose of execution of the work of improvement;

(ii) six per cent. of the cost of the work of improvement; and

(iii) six per cent. of a sum equivalent to the compensation payable in respect of any land which may have been acquired for the purpose of effecting such improvement as if such land were acquired under section 12 on

the date of the commencement of the work of improvement;

(b) if the building has been re-erected, an annual rent of a sum equivalent to four per cent. of the aggregate cost of reconstruction of the building and the cost of the land on which the building is re-erected.

Explanation.—For the purposes of this clause, the cost of the land shall be deemed to be a sum equivalent to the compensation payable in respect of the land if it were acquired under section 12 on the date of commencement of the reconstruction of the building.

(4) The rent payable by a tenant in respect of any building under sub-section (3) shall, on an application made by the tenant or the owner, be determined by the authority referred to in sub-section (5):

Provided that an application for determination of such rent by the owner or the tenant shall not, except for sufficient cause, be entertained by such authority after the expiry of ninety days from the completion of the work of improvement or re-erection of the building, as the case may be.

(5) The authority to which the application referred to in sub-section (4) shall be made, shall be—

(a) where there is a general law relating to the control of rents in force in the area in which the building is situate, the authority to whom applications may be made for fixing of rents of buildings situate in that area; and for the purpose of determining the rent under this section that authority may exercise all or any of the powers it has under the said general law; and the provisions of such law including provisions relating to appeals shall apply accordingly;

(b) if there is no such law in force in that area, such authority as may be specified by rules made in this behalf by the Central Government and such rules may provide the procedure that will be followed by that authority in determining the rent and also for appeals against the decision of such authority.

(6) Where the rent is finally determined under this section, then the amount of rent paid by the tenant shall be adjusted against the rent so finally determined and if the amount so paid falls short of, or is in excess of, the rent finally determined, the tenant shall pay the deficiency, or be entitled to a refund, as the case may be."

13. In section 21 of the principal Act.—Amendment
of section
21.

(i) for the words “execution of any decree or order under any law for the eviction”, the words “eviction under any law” shall be substituted;

(ii) for the words “the Delhi Improvement Trust”, the words “the Delhi Development Authority” shall be substituted.

14. In section 27 of the principal Act, for the words “No building or land”, the words “Save as provided in this Act, no building or land” shall be substituted.

Amendment
of section
27.

15. In section 28 of the principal Act, after the words “specified in the order”, the words “and for the purpose of such eviction may use or cause to be used such force as may be necessary” shall be inserted.

Amendment
of section
28.

16. In section 32 of the principal Act, in sub-section (1), for the words “does any act in contravention of”, the words “fails to comply with” shall be substituted.

Amendment
of section
32.

17. Section 33 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment
of section
33.

“(2) For the purpose of causing any building to be demolished under sub-section (1), the competent authority may use or cause to be used such force as may be necessary.”.

18. Section 36 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment
of section
36.

“(2) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by the Administrator under sub-section (7) of section 10, section 15, section 20 and section 30 may, subject to such conditions, if any, as may be specified in the notification, be exercised also by the Chief Secretary or by such other officer as may be mentioned therein.”.

19. After section 37 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
37A.

“37A. Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the competent authority or any other person is empowered by or under this Act, to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.”.

Bar of juris-
diction.

Amendment
of section
40.

20. In section 40 of the principal Act,—

(i) in sub-section (2),—

(a) after clause (b), the following clauses shall be inserted, namely:—

“(bb) the form in which an application under sub-section (3) of section 6A shall be made and the information to be furnished and the fees to be levied in respect of such application;

(bbb) the manner in which inquiries may be held under sections 15 and 19;”;

(b) in clause (d), after the words “be followed”, the words “and the factors to be taken into consideration” shall be inserted;

(c) in clause (e), for the word and figures “section 20”, the words, figures and brackets “sub-section (7) of section 10 or section 20” shall be substituted;

(d) after clause (e), the following clauses shall be inserted, namely:—

“(ee) the time within which a declaration may be filed under sub-section (1) or an intimation may be sent under sub-section (4) of section 20A and the fees, if any, to be levied in respect of such declaration;

(eee) the time within which plans, estimates and other particulars referred to in sub-section (2) of section 20A may be furnished;

(eeee) the procedure to be followed by the competent authority for fixing the provisional rent under sub-section (2) of section 20A;

(eeeee) the manner in which the rent provisionally determined under section 20A shall be communicated to the tenants and owners;

(eeeeee) the matters in respect of which provision may be made under sub-section (5) of section 20B;”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive

sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

THE HINDU MARRIAGE (AMENDMENT) ACT, 1964

No. 44 OF 1964

[20th December, 1964]

An Act further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Hindu Marriage (Amendment) Act, 1964.

25 of 1955.

2. In section 13 of the Hindu Marriage Act, 1955,—

Amendment
of section
13

(i) in sub-section (1),—

(a) the word “or” at the end of clause (vii) shall be omitted; and

(b) clauses (viii) and (ix) shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Either party to a marriage, whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground—

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of two years or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of two years or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.”.

R. C. S. SARKAR,
Secy. to the Govt. of India.